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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,867	02/14/2002	Hiroaki Shibasaki	041465-5139	6343
55694	7590	08/08/2006	EXAMINER	
DRINKER BIDDLE & REATH (DC)			KLIMACH, PAULA W	
1500 K STREET, N.W.			ART UNIT	
SUITE 1100			PAPER NUMBER	
WASHINGTON, DC 20005-1209			2135	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,867	SHIBASAKI, HIROAKI	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/09/06 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik (6,865,551 B1) in view of the article by Kaplan ("IBM Cryptolopes, Superdistribution and Digital Rights Management").

In reference to claim 11 Stefik discloses a repository for storing digital works and controlling the use of digital works in accordance with usage rights associated with the digital works and including a manner of use for the digital work and including a manner of use for the digital work (abstract).

The system of Stefik discloses further the information distribution server (creator) attach duplicate-time limit information to the digital information (column 6 lines 13-23). The creator attaches usage rights to the digital work (column 6 lines 35-45) and then stores them into the

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repository and thus, sends the digital information with the duplicate-time limit information to a storage provided in the storage server and allocated exclusively for a user of the user device in accordance with the order (column 6 lines 38-60 in combination with column 7 lines 20-28).

Further the storage server holds the digital information with the duplicate-time limit information and input and output the digital information in accordance with the duplicate-time limit information on the basis of the input/output request (column 7 lines 1-20).

Although the system of Stefik teaches an input output request to the storage server, in the form of the repository, the system does not disclose transmitting an order to the information distribution sever and an input/output request to the storage server through the network.

Kaplan discloses a communication unit (Publisher) for transmitting an order to the information distribution server (Royalty clearing center) and an input/output request to the storage server through the network (Figure on page 6).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the network topography of Kaplan to distribute the digital works of Stefik. One of ordinary skill in the art would have been motivated to do this because the topography would allow the publisher/creator to leave the work of distributing its content and collecting usage or licensing fees to others.

In reference to claim 12, wherein when the user terminal transmits an output request included in the input/output request to the storage server (column 7 lines 1-20), the user terminal makes the storage server send the digital information only when the duplicate-time limit information indicates allowance of a copy to the user terminal (column 6 lines 49-67).

In reference to claim 13, wherein the duplicate-time limit information is provided for limiting number of copies to the user terminal (column 20 lines 1-24).

In reference to claim 14 wherein the number of copies in the duplicate-time limit information decreases along with each output of the digital information to the user device (column 20 lines 18-24).

In reference to claim 15 wherein when the user terminal transmits an input request included in the input/output request and the digital information to the storage sever, the user terminal makes the number of copies in the duplicate-time limit information increase (column 10 lines 5-12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854.

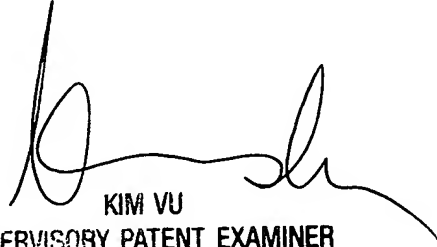
The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Tuesday, August 01, 2006



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100